James R. Belcher Wyoming Bar # 5-2556 Belcher & Boomgaarden LLP 237 Storey Boulevard, Ste. 110 Cheyenne, WY 82009 (307) 426-4105 (307) 426-4099 (FAX) Attorneys for Wells Fargo Bank, N.A. CM/ECF Registered

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING

WELLS FARGO BANK. N.A.,)	
a national bank,)	
Plaintiff,)	
v.)	Case No. 12-CV-221-J
)	
NORTHERN ROCKIES NEURO-)	
SPINE, P.C., a Wyoming corporation,)	
JOHN H. SCHNEIDER, MICHELLE)	
SCHNEIDER, SCHNEIDER LIMITED)	
PARTNERSHIP, a Wyoming limited)	
partnership, JOHN SCHNEIDER)	
REVOCABLE TRUST U/A/D)	
NOVEMBER 20, 2007, MICHELLE)	
SCHNEIDER REVOCABLE TRUST)	
U/A/D NOVEMBER 20, 2007,)	
SCHNEIDER MANAGEMENT, LLC,)	
a Wyoming limited liability company,)	
)	
Defendants.)	

WELLS FARGO BANK'S MOTION TO DISMISS DEFENDANTS' FRAUD CLAIM

Plaintiff-Counterclaim Defendant Wells Fargo Bank, N.A. ("Wells Fargo"),

through its attorneys Belcher & Boomgaarden LLP, pursuant to USDCLR 7.1 and

Fed.R.Civ.P. 12(b)(6), moves to dismiss the Defendants' Counterclaim for fraud

("Fraud Claim") because it fails to state a claim on which relief can be granted. As set

forth in detail in Wells Fargo's Memorandum of Law accompanying this Motion,

Defendants' Fraud Claim fails to satisfy the pleading requirements of Fed.R.Civ.P. 9(b)

and also otherwise fails to state a valid claim for fraud and therefore should be

dismissed.

For the foregoing reasons, Wells Fargo requests that the Court dismiss the

Defendants' Fraud Claim, with prejudice.

DATED this 16th day of November, 2012.

/s

James R. Belcher

Wyoming Bar # 5-2556

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ATTORNEYS FOR WELLS FARGO BANK, N.A.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of WELLS FARGO BANK'S MOTION TO DISMISS DEFENDANTS' FRAUD CLAIM was served on Defendants at the time it was filed, by the Court's CM/ECF electronic email system to the following:

Michael D. Greear David Clark Worrall & Greear, P.C. Attorneys for Defendants

/s/	
James R. Belcher	